

MEMORANDUM

TO: Charlene Vincent, Coordinator
Office of Interdepartmental Regulation

FROM: Jane D. Hickey
Senior Assistant Attorney General

DATE: June 2, 2006

SUBJECT: *Standards for Interdepartmental Regulation of Children's Residential Facilities* – Emergency Regulations – 22 VAC 42-10 *et seq.*

I have reviewed the proposed emergency *Standards for Interdepartmental Regulation of Children's Residential Facilities*. The Boards of Education; Juvenile Justice; Mental Health, Mental Retardation and Substance Abuse Services; and Social Services have the authority to adopt the regulations pursuant to Va. Code §§ 16.1-309.9, 22.1-321, 22.1-323, 22.1-323.2, 37.2-203, 37.2-408, 63.2-217, 63.2-1737, 66-10, and 66-24.

In addition, 2006 Acts of Assembly ch. 168 (SB 190) and ch. 781 (HB 577) require the Boards to adopt emergency regulations within 280 days of their enactment. Chapter 781 further requires the Boards to adopt emergency regulations to implement the requirements enacted by HB 2641 (2005) and SB 1304 (2005). The Boards are therefore required to adopt emergency regulations and have the authority to do so pursuant to Va. Code § 2.2-4011.

If this Office can be of further assistance with these regulations or if you have any questions, please contact me at 786-1927 or jhickey@oag.state.va.us.

cc: Richard Martin
Kim Piner
Allen Wilson
Allyson Tysinger

